

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, April 3, 2007

MEMBERS

PRESENT: Funk, Mikesell, Ritter, Schneider, Simpson and Yarnevich

MEMBERS

ABSENT: Appleby, Bonilla-Baker and Soderberg

STAFF

PRESENT: Andrew, Asche, Burger and Herrs

Item #1. Approval of the minutes of the regular meeting held on March 20, 2007.

The minutes of the March 20, 2007 were approved as presented.

Item #2. Application #Z07-3, filed by Mike Grabner, requesting a change in zoning district classification from C-3 (Shopping Center) district to C-5 (Service Commercial) district to allow a vacant gas station to be converted to an automotive dealership. The subject property is located at the northeast corner of 9th Street and Claflin Avenue and is legally described as Lot 68 and the West one hundred and ten (110') feet of Lots 70 and 72, Grounds of Kansas Wesleyan University, an Addition to the City of Salina, Saline County, Kansas. (Returned by the City Commission for reconsideration).

Mr. Herrs presented the staff report which is contained in the case file and presented several alternatives the Commission could choose from in their reconsideration of this application.

Mr. Andrew stated certainly you have other alternatives but you're not precluded from resubmitting the same recommendation that you submitted before. You are just required to look at this application again and to take into account those concerns that were communicated to you by the City Commission. And we have communicated those through our staff report and by attaching an excerpt of the minutes from the City Commission discussion of this matter. But with that we'd be happy to answer any questions or go back to the maps if you have questions about anything that we've shown on the screen.

Mr. Funk asked has there been any conversation with Kansas Wesleyan about what they intend to do in this area, whether they're going to purchase more land and what ultimately their goal is in this area?

Mr. Andrew stated if you use the Salina Regional Health Center as a model, what was occurring there or what had occurred historically over time is that they would, and a lot of institutions, churches and schools, etc. do also, they would see that a property is available and they make a strategic purchase because it's available and it's on the market and they can control it for their future decision making. What the Regional Health Center would run into is that they would purchase a property and they would have some plans for it and they would run into a lot of neighborhood opposition and opposition from boards and commissions of the City and they would either sell the property or give up their ideas for that. And what the idea was in that particular master plan application was let's engage the neighborhood, let's engage the various boards and commissions and let's have the Health Center do some planning. What was agreed upon was basically if you make acquisitions of property in

this area your plans will be supported and encouraged and if you go outside of that area or in a different direction your plans will not be encouraged or supported. So that's the sense that I got that the City Commission would like to see some agreed upon direction that says if Kansas Wesleyan expands in the future that they'll expand to the north and to the northwest but not south of Cloud, or that they'll expand in a northeasterly direction. But from their standpoint I think they're acquiring property that becomes available if it's in a strategic location. We've had some dialogue. It started with the construction of the new student center, but certainly discussions about improving access, 4th Street and future campus circulation. They've done some master plan-type thinking but not anything that has either engaged the neighborhood or any of the public bodies of the city. But as a staff we have had some discussions with them about what their future plans and direction are. I think what we noted in our report is that it is not clear that this particular acquisition is more than a strategic acquisition or that there is any particular plan for expansion in this area. But it is a property that became available in the direction in which they were looking for property and they acquired it. I've seen churches do that where they want to have additional property or maybe have more parking available and then maybe the plans don't work out and they end up selling the houses. But when they hear that a property is available they purchase it now and plan later. So that could be what has occurred here.

Mrs. Yarnevich asked is there anything legally against doing that?

Mr. Andrew stated no. We have had that discussion. Having the hospital or somebody else buy a piece of property does not automatically change the zoning and it doesn't change the things it can be used for. It just changes the ownership. That's the same thing here. This is still a vacant service station and it will be a vacant service station under either one of these zoning designations. The question here is whether it should be rezoned for a lease situation to allow automobile sales. That is really the question.

Mrs. Yarnevich stated what I noticed here was it said "permitted uses on the property shall be limited to automobile and light truck display and sales plus other permitted uses in the C-3 district".

Mr. Andrew stated Commissioner Perney described that as C-3+ and that's really what it is. You can not leave this property zoned C-3 and go up and pull down another use. In C-5 you can do anything you can do in C-3 plus a whole bunch of other things. But you can't leave this zoned C-3 and go up to industrial zones or C-5 zones and pull uses out. The idea is you pull the zoning up to C-5 but you limit or subtract out C-5 uses that wouldn't necessarily be a good fit here and leave it as Planned C-5 and it says you can use it for anything you can use it for today plus automobile sales and light truck sales. All they're asking for is one additional use that's above what C-3 would ordinarily allow.

Mrs. Yarnevich asked why was that not an option in the beginning? Because we don't really want to change zoning all the time but I'm not sure I knew a C-3+ was an option I thought we had to change the zoning.

Mr. Andrew stated we do have to. I'm saying Commissioner Perney described it that way. That's the way it actually functions but it has to be changed to C-5 but you can be more restrictive. If you recall when we were looking at the Liberty Addition on the south side of Schilling Road those lots were zoned C-5 but the developer actually said "I don't want any of these types of uses to be allowed in the future". So he literally went in there and subtracted the C-5 uses he thought were unsuitable. The Planned district just allows you to customize the uses that are allowed. You can say automobile sales "that's ok", heavy equipment rental, contractor storage yards, "no". So what you're being asked to do and what we're

recommending if you do change the zoning is that you don't open it up to C-5 all the way but that you do a Planned C-5 that limits the types of C-5 uses that can go there.

Mr. Mikesell stated in my mind we've basically taken all the elements that were available. We know that there is a lease on this property and it's not going to be long term and we know that what Mr. Grabner wants to do is out of the limitations of a C-3 and what we recommended was the approval of a PC-5. To me that fits all of the situations there the best way possible. In light of not having a master plan by Kansas Wesleyan I think this benefits the community and they get a business in there at some place that is vacant. I don't like to see places that are vacant. And they're tax producing and it gives Kansas Wesleyan a little bit of income and with some time to plan this thing and hopefully get with the Planning Commission and get this done.

Mr. Funk asked we're going to be working on a revised citywide plan in the next year or two I understand?

Mr. Andrew stated yes.

Mr. Funk asked how would we deal with situations like this. There are going to be others around the city. Would that include then a visit to this site to see what Kansas Wesleyan eventually wants to do so that could be included in the new plan?

Mr. Andrew stated there are a couple of things. You have some institutions in the city that are so significant and are significant landowners that maybe within the Comprehensive Plan you do what is called a Sub Area Plan or a Neighborhood Plan. What the consultant will likely do is they'll look at all the existing land uses, they'll look at ownership patterns, they'll look at different things and then they'll make a recommendation on what they think the long term future is. Back in 1992 when they looked at this they said that for this section of the corridor on 9th Street that the long term future land use was still Commercial and Retail. And that's what the plan shows. So I can't say that this property was purchased from the standpoint of expanding the campus or campus support facilities out to 9th Street along Claflin. It was probably purchased because it was a strategic location and it was on the market and it was available at the time and no major change is being proposed at this time.

Mr. Funk stated right across the road from Highland Avenue at Kirwin and Claflin that is all student housing. This block between Kirwin, Claflin, 9th and Highland would certainly be a logical block to expand student housing into. I can see that in the back of their mind even though it isn't written down or hasn't been stated.

Mr. Andrew stated I think whether it's the hospital campus or anybody else the ideal situation is that you would work with the Planning Commission, the governing body and neighborhood representatives. If I live in a neighborhood and I hear that a property is being bought up by some entity then that's going to make me think about what the future of my block is. Is the long term future of this going to stay residential? That's how my mother became a Planning Commissioner. There was a grocery store chain that was buying up property up and down her street and she wanted to find out what their plan was. It was a 100% residential street and she thought that was going to be a big change. So she started attending the City Commission meetings every week to see what was happening. They said if you're this interested you ought to sit on our Planning Commission. So that's the type of thing that if you are an owner of property and there is uncertainty as to whether you're in the growth path or expansion path or if your neighborhood is going to change, that is the advantage of a master plan. If you look over what has happened since the Hospital-Medical land use plan was adopted, the hospital has gone over and bought the entire block between 4th, 5th,

Center and Prescott except for one house. But they bought that entire block and were encouraged to do so because the plan said we want you to look southeast and stay north of Prescott and that's what they did. Everyone from downtown groups, to neighborhood groups, to the Planning Commission, that was the agreed upon vision and that's where they focused their efforts. We think there's merit, whether it is part of the Comprehensive Plan or whether it's a separate exercise, to sit down with representatives of Kansas Wesleyan, to identify people who own property in the neighborhood and see if there's an agreed upon vision for where the campus expands. The question is whether that is at this point linked to this particular application. That is simply a judgment call for you.

Mr. Simpson asked other questions of Dean or other staff at this point? Mr. Grabner would you care to address the Commission again or add anything to your prior presentation? Anyone else care to address this application?

Mr. Schneider asked if he could address the Commission as the owner. I know I don't vote on it.

Mr. Andrew stated you would have to excuse yourself from the bench and ask to address the Commission on behalf of the owner. But you'd have to excuse yourself from the bench.

Mr. Schneider stated that would be fine.

Mr. Simpson stated let the record show that Commissioner Schneider has excused himself from the discussion of this item as a Commissioner and now is appearing on behalf of the owner of the property.

(Mr. Schneider excused himself from the Commission to speak on behalf of Kansas Wesleyan).

Wayne Schneider, Business Manager for Kansas Wesleyan University, stated you know it would be nice to live in a perfect world where we had a little ball to tell us the future and have it all planned out. Wesleyan has experienced some growth in student enrollment here in the last 5-6 years and we have pretty well filled up our existing student housing on campus and we are landlocked in our place. If we continue to grow and if we need expansion we would need more land. It's that simple. Our board has instructed us that any of the areas north of Cloud Street adjacent to our campus that come on the market and come up for sale to investigate the price and if it appears to be the right thing to do to purchase it. So we've purchased 3 or 4 rental houses that have come up on that block and this station that has been empty for over a year came to auction so it kind of forced our hand.

Mr. Funk asked when did you buy that station?

Mr. Schneider stated we bought that in January.

Mr. Funk asked of this year?

Mr. Schneider stated yes. It came up on auction and you're forced into it. We don't know what our plans are yet. If enrollment stalls we have no future plans then we'll sell our land. But if things go as we hope we're going to need some additional student housing and potentially classroom space in the area. It seems to us from our campus looking west was probably the best direction. There is already substantial area there that had been emptied by, well Blue Beacon owned it before and we bought it from them, Green Lantern, that empty lot on the corner there. Most of the other housing on the block is rental housing rather than individual homeowners. There are a few on the block that are owned by who lives there. But most of it is rental and most of it is not in very good shape. So the expectation of improving that

area seemed minimal. Our intention was just to wait until things come on the market and then try to buy them at a reasonable price. One of the problems with making a statement in front of everybody that you're going into an area, everyone wants to hold you up for the price, similar to the way the City was held up on some property on the Ohio Street overpass and some other areas. From our point of view it's not necessarily the best way to go and frankly we have a master plan for what we expect to do in the next five or six years. We have no plans in that time frame at this point in these areas. So our intention is just to purchase them and generate some kind of lease income until we have some college use for it. We have already removed the gas tanks in the area. I think that's a benefit for the community. There is a monitoring site on that property also for contamination of underground water. I think it's mostly related to a former dry cleaning business that was located north of that property. But I don't think there is any particular problem with contamination at this point, it's just a monitoring situation to continue. So we're just trying to clean up the area close to campus. We don't like areas to look empty and run down by our campus. It has an effect on our students when they come from out of town and come into the area. Whatever we can do to control that space towards our university is good for us. We would like to have some sort of presence on 9th Street too. It's a major artery that runs around town. What we can do to improve the look in that area I think benefits the community and Kansas Wesleyan. So right now we say short term lease I don't know what we've agreed to when this all goes through. It's a two year lease at this time. But our expectation is to lease for a number of years, for at least five or six years. I don't know if you had any other questions for Wesleyan.

Mrs. Yarnevich stated I was thinking one of the reasons that the hospital ran into so much trouble is that they came up across the Historic District. There is no Historic District here. The fact that we have a private University that is flourishing and wants to expand I think is a wonderful asset to our community and I would hate to thwart them in that if what you say is true that most of these are rentals and when you buy them you continue to rent them. I think a master plan would be nice but I don't think it has anything to do with whether or not you lease this corner lot.

Mr. Schneider stated I have trouble making that direct connection myself. It is C-5 across the street and there is also a small sliver of some sort, is it C-5 at Mid-Kansas Tool?

Mr. Andrew stated it's a Planned C-5.

Mr. Schneider stated it's a Planned C-5 just like the request for display of lawn equipment and that kind of thing which is similar to what we would be wanting to allow to happen on this lot too.

Mrs. Yarnevich stated I am a little confused. Now we approved a Planned C-5 right? Now we can approve a Planned C-5 that eliminates everything except the automobile sales. Is that right?

Mr. Simpson stated that was our original recommendation.

Mrs. Yarnevich stated I am having difficulty understanding what it is they want us to do. They want us either to not rezone it period so that we can not have a car dealership.

Mr. Andrew stated part of the question was if it is somebody that is not the owner of the property and it is a short term lease or a potentially short term lease, is that a good enough justification to change the zoning of the property to accommodate a potentially short term use? That was the one item. The other dealt with how this piece of property and any other acquisitions in the

area fit into future campus plans. We tried to address that by providing you with the map that shows what the ownership is in the surrounding area.

Mr. Mikesell asked is that not though the beauty of a PC-5 classification, that it is usable only for that and it doesn't go out of the C-3?

Mr. Andrew stated it is designed to be a customized zoning district, yes.

Mr. Simpson asked any other questions of Mr. Schneider? Thank you Wayne. Anyone else care to address the application? There appears to be none so we'll bring it back to the Commission for discussion and action.

Mr. Mikesell asked Jerry do we need to make a motion on this?

Mr. Simpson stated it is back to our court.

Mrs. Yarnevich stated we have an empty lot here that has a viable use. If Kansas Wesleyan decides to expand they're probably going to have like the hospital, we have a University zone, and they're going to be rezoned anyway if they're going to do something like that, don't you think?

Mr. Andrew stated most likely it would be an expansion of the existing University zone.

Mr. Funk stated well they talk about a university with a long term plan. I think that would be something we would all like to have. I guess that's why I was asking will this come up then again in the long term Comprehensive Plan?

Mr. Andrew stated it will come up but so will the hospital and so will the downtown and so will a lot of the other institutions. Yes.

Mrs. Yarnevich stated so if the current lease is two years and Kansas Wesleyan is looking to lease it for longer than that, maybe the concern is that we wouldn't have to rezone it again for somebody else to come in there after the car lot lease expires.

MOTION: Mrs. Yarnevich stated I move we recommend approval of Application #Z07-3, Alternative #2, with the conditions set forth 1, 2 and 3, that it be limited to automobile and light truck sales.

SECOND: Mr. Mikesell.

Mr. Simpson stated it's been moved and seconded to recommend approval. Any further questions or discussion? If you're ready to vote those in favor say "aye", opposed same sign.

VOTE: Motion carried 5-0. (Schneider abstaining).

Mr. Andrew stated that recommendation will go on to the City Commission.

Item #3. Application #Z98-1B, filed by the New Horizons Dental Clinic, requesting approval of an amended site development plan to allow an expanded parking area to be constructed on property legally described as Lot 3, Block 1 of the Brock Addition to the City of Salina, Saline County, Kansas and addressed as 1920 S. Ohio.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Simpson asked are you still working with the bank Dean on the concept?

Mr. Andrew stated we've had some conversations with them. I had a conversation yesterday with a contractor who had some questions about parking and said he was working on a plan for Bank VI. As you know they are temporarily housed in the Dillons Southgate building but they own that property and this is very conceptual. But we've had at least one meeting with them and it's a very feasible plan the way they have it laid out here. But their actual timetable we're not certain of. So that's why rather than doing this in tandem Dr. Guest and his practice decided to move ahead on their own.

Mr. Simpson asked any questions of Dean at this point?

Mr. Ritter asked Dean do you know does Bank VI own Lot 1 and 2 on that Block 1 or just that Lot 2?

Mr. Andrew stated they own both those side by side on Schippel.

Mr. Ritter asked that back 74 ft. is accessible from their Lot 1 then?

Mr. Andrew stated yes. It could be a driveway straight through from Schippel to Brock as it is depicted there. So they actually have two lots and part of Lot 3.

Mr. Simpson asked anyone care to address the Commission?

Charles Renz, Jones-Gillam Architects, representing Dr. Guest said he would respond to any questions.

Mr. Simpson stated there appears to be none. Anyone else care to address the application? We'll bring it back to the Commission for discussion and action.

MOTION: Mrs. Yarnevich stated I move we approve Application #Z98-1B with the staff recommendation concerning the planting plan.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded to approve this application. Any further questions or comments? There appears to be none. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 6-0.

Item #4. Application #Z07-5, filed by the Salina City Planning Commission, requesting an amendment to Article XIV, Definitions, by amending the definition of Junkyard in Section 42-696 and by adding the following definitions: Section 42-652.1 Contractor's Storage Yard, Section 42-750.1 Recycling Center, Section 42-750.2 Refuse Service, Section 42-759.2 Salvage Yard, Section 42-759.3 Scrap Metal Processor and Section 42-799.1 Wrecking Yard.

Mr. Andrew presented the staff report which is contained in the case file.

Mrs. Yarnevich stated this is just a rhetorical question. If we have a moratorium on junkyards what do we do with the junk that overruns the other junkyards? Where does it go?

Mr. Andrew stated the moratorium is on, for instance I have in front of me an application that would about triple the size of the junkyard on West State Street and the State of Kansas will not approve a license unless somebody local or a zoning official will sign off that the property is properly zoned for an automobile junkyard. And the moratorium says we're not going to

expand the area and we're not going to issue any more licenses. We literally haven't licensed a new area in about 40 years. So this is the first time anybody has looked at expanding an area. We haven't had our junkyards expanded. Stuff gets hauled off. Salina Iron & Metal has shrunk from what it was. It is more compact. But it's a 90-day moratorium and doesn't mean that they'll never be able to expand. It just means that during those 90 days we will look at all these things, look at licensing, zoning and look at those things and see how we want to address those in the future.

MOTION: Mrs. Yarnevich stated I move we approve Application #Z07-5 to include the definitions as presented in the staff report.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded that we approve the definitions as reported. Are there any questions or comments? Anyone care to address junkyards? Those in favor say "aye", opposed same sign.

VOTE: Motion carried 6-0.

Mr. Funk asked what happens to this now?

Mr. Andrew stated this set of definitions would go to the City Commission and if they approve them then that's in the form of an Ordinance that actually amends our Zoning Code and adds those definitions. We have a section that is about that thick from A-Z of definitions and this will just add to those. If we don't have something in the zoning book then we have to figure out what something is and it is far better to have an agreed upon definition of a use or a term. It's more predictable for everybody.

Item #5. Other matters.

Mr. Andrew stated as far as other matters we will meet on the 17th. We have a couple of items scheduled for that. One item we will have is over on Eaglecrest, north of the Eaglecrest Retirement Community, which is a townhome development that would involve the extension of the Eaglecrest Avenue and we have a expansion plan for the Saline County Dialysis Center which is there at Oakdale and Iron. Then for May 1, we have another motel site plan out there at Schilling and I-135. So if you drive out there today you'll see Casey's and there is a big dirt pad for the Super 8 Motel plan that you saw earlier this year. South of it there is another lot and that is being looked at as a motel site also and that would be coming to you.

Mr. Funk asked is the one further south on 9th Street over by Phillips Lighting, is that moving forward?

Mr. Andrew stated the permit on that has been ready to issue for months but they were not happy with the construction bids that were received and did not move forward on the permit. They're looking at some modifications they can make and rebidding the project.

Mr. Simpson asked do we have any other permits that are nearing termination that haven't been acted on yet?

Mr. Andrew stated that would be the one that would be the closest. In the case of the, the one most talked about is Hong Kong Buffet and they have not finished the design for the interior of their building. The shell and the exterior and the parking and everything is ready but they have not finalized the design and the flow of the layout for the inside. So it is not ready for business yet. But that is still an active permit. The one for the Sleep Inn on South 9th has been dormant for I don't know how many months. The permit

is ready to be picked up but the construction bids were not favorable and they did not move forward and the permit is still sitting up there.

Mr. Funk stated they've done a little work there. Is that going to be a Sleep Inn?

Mr. Andrew stated the one on South 9th was planned to be a Sleep Inn. The one that is filed with us now is a Comfort Suites. That's what it is supposed to be.

Mr. Simpson stated alright, anything else?

Mr. Andrew stated that is all we have for you this afternoon.

Mr. Simpson stated we are adjourned.

Meeting adjourned at 5:03 p.m.

Dean Andrew, Secretary

ATTEST: _____